

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2019-326-E - ORDER NO. 2022-345
MAY 13, 2022

IN RE: South Carolina Energy Freedom Act (House)	ORDER GRANTING
Bill 3659) Proceeding to Address S.C. Code)	PETITION TO
Ann. Section 58-27-460(A)(1) and S.C. Code)	INTERVENE OUT OF
Ann. Section 58-27-460(A)(2) (Promulgation)	TIME
and Periodic Review of Standards for)	
Interconnection and Parallel Operation of)	
Generating Facilities to an Electrical Utility's)	
Distribution and Transmission System))	

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (the Commission) for consideration of the Petition to Intervene Out of Time of Alder Energy Systems, LLC (Alder Energy) in this Docket, pursuant to S.C. Code Ann. Section 58-41-20(A) and S.C. Code Ann. Regs. 103-825. There are no objections to the intervention.

II. ANALYSIS AND DISCUSSION

Alder Energy asserts that it has a substantial and specific economic interest in the development and operation of renewable energy in South Carolina and, thus, in the Commission's actions thereon. Alder Energy has developed, designed, and installed solar photovoltaic systems for over a decade. Alder Energy has completed over five hundred distribution-scale solar projects in the southeastern United States and mid-Atlantic, ranging in capacity size from 2kW to 8MW. Alder Energy maintains an interest in the

interconnection of generation facilities operating in parallel with South Carolina electrical utilities' systems. The grounds for intervention are to protect this interest. Alder Energy states that its South Carolina projects would be impacted by the decisions the Commission makes in this matter.

In particular, Alder Energy participated in stakeholder meetings held by Duke Energy Carolinas, LLC (DEC), Duke Energy Progress, LLC (DEP) and Dominion Energy South Carolina, Inc. (DESC) and made suggested revisions to SCGIP as proposed by DEC, DEP, and DESC. Alder Energy wishes to intervene in this proceeding to offer testimony, comment, and other input on these proposed SCGIP revisions, among other things. The revisions proposed by Alder Energy seek to ease the burdens of interconnecting parallel generation facilities for commercial and industrial customers, while ensuring the safe, efficient, and reliable delivery of power. It does not oppose the already approved cluster study approach. For those reasons, among others, Alder Energy believes that its interests in this proceeding cannot be adequately represented or protected by any other party.

Alder Energy states that its participation is not intended to and not expected to delay the proceeding, but merely to support the public interest. Alder Energy recognizes that the Commission has already established a procedural schedule for this proceeding, that the time for intervention has passed, and that a hearing date has not been reset in this Docket. Despite this, Alder Energy believes that good cause exists to allow it to intervene at this stage, and that its participation would not inconvenience or prejudice the parties. Alder Energy asserts that its intervention out of time will not prejudice any party or impose additional burdens on any other parties in this docket. Accordingly, Alder Energy asserts

that good cause has been shown for granting the late intervention request. Further, Alder Energy has consulted with counsel for DEC, DEP, and DESC, who has indicated no objection to the late intervention request. Alder Energy further states that it informed counsel for Lockhart Power Company, Inc. which did not indicate any opposition to its petition to intervene as of the filing date of this petition.

In addition to the requirement of good cause being shown prior to the approval of a late intervention, the Commission is bound by S.C. Code Ann. Regs. 103-825(A)(3), which requires that the petitioning party set forth clearly and concisely three criteria:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;
- (b) The grounds of the proposed intervention; and
- (c) The position of the petitioner in the proceeding.

As stated in the paragraphs above, Alder Energy has addressed facts from which the nature of its alleged right or interest can be determined and the grounds of the petition. Although Alder Energy has taken no specific position in the proceeding, this criterion can be waived for good cause under S.C. Code Ann. Regs. 103-803, since there has been no showing that the waiver is contrary to the public interest. Accordingly, the Commission states the following Findings of Fact and Conclusions of Law.

III. FINDINGS OF FACT

1. Alder Energy asserts that it has a substantial and specific economic interest in the development and operation of renewable energy in South Carolina.

2. Alder Energy has developed, designed, and installed solar photovoltaic systems for over a decade and is engaged in the development and operation of renewable energy in South Carolina.

3. Alder Energy believes that its South Carolina projects would be impacted by the decisions this Commission makes in this matter.

4. Alder Energy asserts that its interests in this proceeding cannot be adequately represented or protected by any other party.

5. The Commission has already established a procedural schedule for this proceeding and the approved time for intervention has passed.

IV. CONCLUSIONS OF LAW

1. Alder Energy's intervention out of time will not prejudice any party, and it will accept the record of the proceeding as the record was developed prior to the late intervention.

2. Alder Energy's intervention will not disrupt the proceeding, nor prejudice or impose additional burdens on any other parties in this docket.

3. Alder Energy has shown good cause for granting of the late intervention request by the Commission.

4. Alder Energy has clearly addressed facts from which the nature of its alleged right or interest can be determined and the grounds of the petition, as required by S.C. Code Ann. Regs. 103-825(A)(4).

5. The requirement in the Regulation that Alder Energy state its position in this Docket is waived at this time as not being contrary to the public interest, as stated in S.C. Code Ann. Regs. 103-803.

V. ORDER PARAGRAPHS

1. The Petition to Intervene Out of Time of Alder Energy Systems, LLC is granted.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



A handwritten signature in blue ink, appearing to read "Florence P. Belser", is written over a horizontal line.

Florence P. Belser, Vice Chair
Public Service Commission of
South Carolina